

SECRET

22 December 1978

MEMORANDUM FOR: General Counsel

FROM: Director of Central Intelligence

SUBJECT: Dissemination of Electronic Surveillance
Intercept Material

1. I've just got around to reading the Attorney General's draft memo--signed but not dated--on the subject of dissemination of electronic surveillance intercept material.

2. My principal problem in paragraph (B) is with the meaning of the phrase "...beyond the collecting entity or prior to any consultation with other agencies." What this says, in my view, is that the Director of NSA may review these communications but may not consult with me, his immediate superior, on them. In fact, if you read paragraph (A) carefully, it may even intend that the Deputy Director for Operations of the CIA cannot consult me or the Deputy Director of Operations of NSA cannot consult Bobby Inman.

3. I think this is dangerous for two reasons. First, because any precedent that members of the Intelligence Community can withhold information from their superiors lays the seed of the kind of insubordination or failure to respond which I believe has led to some of the abuses of the past. Second, it means that when the Director of NSA believes there is foreign intelligence in an intercepted communication and that it is important to the country for that intelligence to be disseminated, his only method of argumentation is to work with the individual whose name is involved in the communication. I suppose he has a theoretical fallback of going to the Attorney General, but I think it would be better if he had the fallback of turning to me as someone familiar with the importance of the intelligence content of the message to buttress him in what must be a basically unequal relationship with the other individuals concerned.

4. All portions are Secret.


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